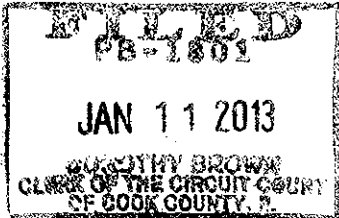


IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - PROBATE DIVISION

ESTATE OF UROOJ A. KHAN,

Deceased,

No. 12 P 5409



NOTICE OF MOTION

TO: Michael H. Erde, 4801 W. Peterson Ave., Chicago, IL 60646 (773)286-3504  
Al-Haroon Bin Asad Husain, 15 N. Northwest Highway, Park Ridge, IL 60068, (312)803-2761

PLEASE TAKE NOTICE that I will appear before the Honorable Judge Susan Coleman and present the attached **MOTION OF MEDICAL EXAMINER FOR LEAVE TO INTERVENE AND REQUEST ORDER TO EXHUME BODY** on the 11th day of January 2013, at 10:00 a.m. in Room 1801 of the Richard J. Daley Center, 50 W. Washington, Chicago, IL or as soon thereafter as counsel may be heard and present the attached motion.

CERTIFICATE OF SERVICE

The undersigned, and attorney, certifies that he served the forgoing attached **MOTION OF MEDICAL EXAMINER FOR LEAVE TO INTERVENE AND REQUEST ORDER TO EXHUME BODY**, by facsimile transmission, to the attorneys listed above on January 8, 2013.

ANITA ALVAREZ  
State's Attorney of Cook County  
Daniel H. Brennan, Jr.  
Assistant State's Attorney  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
(312) 603-5480  
Atty. No. 10295

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT – PROBATE DIVISION**

ESTATE OF UROOJ A. KHAN,

Deceased.

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) Case No. 12 P 5409  
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**MOTION OF MEDICAL EXAMINER  
FOR LEAVE TO INTERVENE AND REQUEST  
ORDER TO EXHUME BODY**

Now comes Dr. Stephen J. Cina, M. D., Chief Medical Examiner of Cook County (hereafter ‘Movant’), by and through his attorney, ANITA ALVAREZ, State’s Attorney of Cook County, and Daniel H. Brennan, Jr., Assistant State’s Attorney, and pursuant to §5/2-408 of the Illinois Code of Civil Procedure (735 ILCS 5/2-408), and Counties Code 55 ILCS 5/3-3015(c), moves this Honorable Court for Leave to Intervene to seek entry of an Order permitting Movant to exhume the body of Urooj A. Khan (hereafter ‘the decedent’) in order to perform an autopsy on the decedent’s remains. In support thereof, Movant states as follows:

1. On September 19, 2012 the Estate of Urooj A. Khan (hereafter ‘the Estate’) was opened with an order appointing ImTiaz Khan as representative of the Estate. Subsequent thereto, the Court issued an order appointing Shabana Ansari as Supervised Administrator of the decedent’s estate.
2. The decedent died under unusual circumstances which were initially thought to be related to a cardiac arrest suffered by decedent on or about the date of his death, July 20, 2012.
3. At the time of the decedent’s death and in conformity with standard policy of the Medical Examiner’s Office and, as the decedent was over 45 years of age and there were no visible signs of trauma, a full autopsy was not performed. The medical examiner assigned to the

assigned to the case performed a visual inspection of the decedent's body to look for signs of trauma or injury and drew samples of decedent's blood for routine toxicological examination. Initial examination of the blood and fluid samples did not reveal any signs of alcohol or drugs in the decedent's system. As a result, it was deemed that the decedent's death was the result of natural causes.

4. Subsequent to the initial review of circumstances surrounding decedent's death, information was presented to the Medical Examiner's Office to suggest that the decedent's death may have been the result of poisoning. The Medical Examiner's Office submitted samples of decedent's blood for a broader analysis to determine if there were any other toxins present in decedent's system.
5. Since that time, Movant has received the reports for the toxicological analysis performed on the decedent's blood samples.
6. Based upon a review of said toxicological analysis, Movant has determined that the decedent's death was not the result of natural causes, but instead; the decedent ingested a poisonous substance which resulted in his sudden and untimely death.
7. In order to fully confirm his conclusion, it is expedient that Movant perform a full autopsy of the decedent's remains. Movant's authority to seek such relief is set forth in §5/3-3015(c) of the Counties Code (55 ILCS 5/3-3015) which states:

"If the coroner determines it advisable to exhume a body for the purpose of investigation or autopsy or both, and the coroner would have been authorized under this section to perform an investigation or autopsy on the body before it was interred, the coroner may exhume the body after consulting with the state's attorney and upon the order of the circuit court directing the exhumation upon the petition of the state's attorney."

8. In support of his motion, Movant has attached his affidavit as Exhibit "A" hereto in which he asserts, under oath, the information upon which this motion is brought.

9. Inasmuch as the decedent was interred without benefit of embalming, it is critical that Movant be allowed to arrange for the exhumation of decedent's remains as soon as possible.

Wherefore, Movant respectfully prays that this Court enter an Order granting Movant's Motion to Intervene and Motion to Exhume the Body of Urooj A. Khan, the decedent herein.

Respectfully submitted

Anita Alvarez  
State's Attorney of Cook County

By: \_\_\_\_\_

Patrick T. Driscoll, Jr.  
Deputy State's Attorney  
Chief, Civil Actions Bureau

Daniel H. Brennan, Jr.  
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**ESTATE OF UROOJ A. KHAN – CASE NO. 12 P 5409**

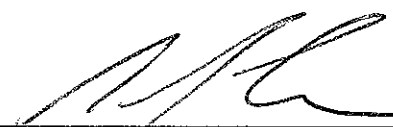
**AFFIDAVIT OF DR. STEPHEN J. CINA, M.D., FCAP**

I, Stephen J. Cina, M. D., FCAP, being duly sworn upon oath do herein state the following:

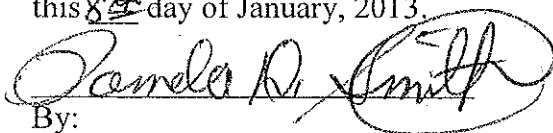
1. My name is Stephan J. Cina. I am a licensed Medical Doctor and professional Forensic Pathologist.
2. I am currently employed as the Chief Medical Examiner for Cook County, Illinois and have been so employed since September, 2012.
3. In my capacity as Medical Examiner, I am charged with the oversight and administration of all aspects of the Medical Examiner's Office, especially as it pertains to the performance of post-mortem medical examinations (autopsies) and the analysis of all post-mortem testing performed by the staff at this office.
4. As part of my normal duties, I have been involved in the oversight of an investigation involving the death of Urooj A. Khan, who died on July 20, 2012.
5. This matter was assigned to Assistant Medical Examiner Dr. Marta Helenowski who performed an external examination of Mr. Khan on July 21, 2012 and the case continues to be assigned to Dr. Helenowski.
6. As part of the post-mortem examination performed by Dr. Helenowski, an analysis was performed on blood samples taken from the late Mr. Khan.

7. Following the external examination of the body and subsequent burial, the Office was informed that the death may not have been due to natural causes so comprehensive toxicological analysis was ordered.
8. On September 11, 2012, cyanide was detected in the blood of Mr. Khan and the Chicago Police were notified.
9. In late November, 2012, the Medical Examiner's Office received the results the additional analysis which showed that Mr. Khan had a lethal dose of cyanide in his system at the time of his death.
10. This office did not perform a full autopsy when Mr. Khan initially died as there was nothing to indicate Mr. Khan's death was not from natural causes. This was in conformity with existing policy within the Medical Examiner's office at that time.
11. Given this new information, it is necessary to perform a full autopsy on Mr. Khan's body in order to further confirm the results of the blood analysis, as well as to rule out any other natural causes that might have contributed to, or caused Mr. Khan's death.
12. As Mr. Khan was buried without being embalmed, it is important that Mr. Khan's body be exhumed as expeditiously as possible.

FURTHER AFFIANT SAYETH NAUGHT.

  
Dr. Stephen J. Cina, M. D., FCAP

Subscribed to and sworn by me  
this ~~8<sup>th</sup>~~ day of January, 2013.

  
By:  
Notary Public

